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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
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09/280,256

03/29/1999

PETER KOZDON

99-P-7530-US

5509

7590

07/20/2004

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EXAMINER

SING, SIMON P

ART UNIT

PAPER NUMBER

2645

20

DATE MAILED: 07/20/2004

Please find below and/or attached an Office communication concerning this application or proceeding.

# Office Action Summary

Application No.

09/280,256

Applicant(s)

KOZDON ET AL.

Examiner

Simon Sing

Art Unit

2645

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

## Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If the period for reply specified above is less than thirty (30) days, a reply within the statutory minimum of thirty (30) days will be considered timely.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

## Status

- 1) ☒ Responsive to communication(s) filed on 22 April 2004.
- 2a) ☐ This action is FINAL. 2b) ☒ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

## Disposition of Claims

- 4) ☒ Claim(s) 1-9 and 12-17 is/are pending in the application.
- 4a) Of the above claim(s) \_\_\_\_\_ is/are withdrawn from consideration.
- 5) ☐ Claim(s) \_\_\_\_\_ is/are allowed.
- 6) ☒ Claim(s) 1-9 and 12-17 is/are rejected.
- 7) ☐ Claim(s) \_\_\_\_\_ is/are objected to.
- 8) ☐ Claim(s) \_\_\_\_\_ are subject to restriction and/or election requirement.

## Application Papers

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☐ The drawing(s) filed on \_\_\_\_\_ is/are: a) ☐ accepted or b) ☐ objected to by the Examiner.  
Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).  
Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

## Priority under 35 U.S.C. § 119

- 12) ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☐ All b) ☐ Some \* c) ☐ None of:
1. ☐ Certified copies of the priority documents have been received.
2. ☐ Certified copies of the priority documents have been received in Application No. \_\_\_\_\_.
3. ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

\* See the attached detailed Office action for a list of the certified copies not received.

## Attachment(s)

- 1) ☒ Notice of References Cited (PTO-892)
- 2) ☐ Notice of Draftsperson's Patent Drawing Review (PTO-948)
- 3) ☐ Information Disclosure Statement(s) (PTO-1449 or PTO/SB/08)  
Paper No(s)/Mail Date \_\_\_\_\_.
- 4) ☐ Interview Summary (PTO-413)  
Paper No(s)/Mail Date. \_\_\_\_\_.
- 5) ☐ Notice of Informal Patent Application (PTO-152)
- 6) ☐ Other: \_\_\_\_\_.

## DETAILED ACTION

### *Claim Rejections - 35 USC § 103*

The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

(a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negated by the manner in which the invention was made.

1. Claims 1-6, 16 and 17 are rejected under 35 U.S.C. 103(a) as being unpatentable over Cox et al US 5,790,781 in view of Nickum US 6,104,819 and further in view of Harmeyer US 4,491,694.

1.1 Regarding claim 1, Cox discloses a computer telephony system in figures 1-3. Cox's system comprises a computer 12, a microphone 14, speakers 18 and a headphone 19. The computer 12 further comprises a multi-function I/O subsystem 14 (sound system) in figures 2 and 3. Cox teaches using a stereo audio CODEC (audio processing means) to process digital audio signals into digital stereo audio signals with a left channel and a right channel, and routes the stereo audio signals to speakers 18 and a headphone 19 (Figures 1 and 3; column 3, lines 56-67). Inherently, a computer stereo sound system, such as a sound card, has a channel balance control enabling a user, using a mouse, to select its audio out to either only a left or a right channel, or both. Cox teaches connecting the speakers and the headphone to the computer 12, but

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fails to specifically teach routing only one stereo channel to speakers 18 or only the other stereo channel to a headset (headphone).

However, Nickum discloses a speakers/headphone connection in figures 3-5. Nickum teaches that stereo audio outputs from a personal computer are routed to speakers 20 and 21, or headphones 54 and 55. Nickum also teaches separated output ports for its stereo output, one for left channel and one for right channel, and the left channel is routed, via output jack 104, to either speaker 20, or to headphone 54 if headphone 54 is lifted from speaker 20 (headphone 54 is enabled and speaker 20 is disabled); and the right channel is routed, via output jack 106, to either speaker 21, or headphone 55 (column 4, lines 47-67; column 5, lines 1-4, 25-37, 55-65; column 6, lines 32-58). As shown in figure 5B, the left channel is routed to headphone 54, and the right channel is routed to speaker 21.

In addition, Harmeyer discloses a telephone to stereo amplifier interface in figures 1 and 2. Harmeyer teaches that the left channel and right channel of a stereo out can be separately routed to an earpiece (headphone) and speakers, as shown in figure 1, the right channel of stereo output is connected to the speakers, and the left channel is connected to a handset's earphone (headphone).

Therefore, it would have been obvious to one of ordinary skill in the art at the time the invention was made to modify the Cox reference with the teachings of Nickum and Harmeyer, so that one of the stereo channels would have been connected to a loudspeaker, and the other stereo channel would have been connected to a headset (headphone), and a switching means, such as channel balance control, would have

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generated a control signal to control the output to either only left or right channel, because such a modification would have enabled the modified Cox system to function as a standard telephone (headset with microphone) or a speakerphone (loudspeaker with microphone) selectable by a user.

1.2 Regarding claim 2, Cox teaches that the computer 12 is connected to an ISDN line (column 3, lines 7-12).

1.3 Regarding claim 3, Cox further teaches coupling with a telephony network and receiving telephony audio data (column 3, lines 7-12, 47-55; column 7, lines 60-66; column 9, lines 22-28).

1.4 Regarding claim 4, Cox further teaches computer telephony applications such telephone conversation and sending and receiving fax over a telephone network (column 7, lines 60-66).

1.5 Regarding claim 5, as discussed in claim 1, a channel balance control signal is generated by a mouse.

1.6 Regarding claim 6, Cox discloses a computer telephony system in figures 1-3. Cox's system comprises a computer 12, a microphone 14, speakers 18 and a headphone 19. The computer 12 further comprises a multi-function I/O subsystem 14

(sound system) in figures 2 and 3. Cox teaches that the multi-function I/O subsystem receives a digital signal from a ISDN connection (column 3, lines 7-12), processes the digital signal to generate a digital stereo audio signal with a left channel and a right channel, converts the right channel and the left channel audio signals into analog audio signal, and routes the stereo audio to speakers 18 and a headphone 19 (Figures 1 and 3; column 3, lines 56-67). Cox teaches connecting the speakers and the headphone to the computer 12, but fails to teach specifically routing only one stereo channel to speakers 18, or only the other stereo channel to a headset (headphone). Inherently, a computer stereo sound system, such as a sound card, has a channel balance control enabling a user, using a mouse, to select its audio out to either only a left or a right channel, or both. Cox teaches connecting the speakers and the headphone to the computer 12, but fails to specifically teach routing only one stereo channel to speakers 18 or only the other stereo channel to a headset (headphone).

However, Nickum discloses a speakers/headphone connection in figures 3-5. Nickum teaches that stereo audio outputs from a personal computer are routed to speakers 20 and 21, or headphones 54 and 55. Nickum also teaches separated output ports for its stereo output, one for left channel and one for right channel, and the left channel is routed, via output jack 104, to either speaker 20, or to headphone 54 if headphone 54 is lifted from speaker 20 (headphone 54 is enabled and speaker 20 is disabled); and the right channel is routed, via output jack 106, to either speaker 21, or headphone 55 (column 4, lines 47-67; column 5, lines 1-4, 25-37, 55-65; column 6, lines

32-58). As shown in figure 5B, the left channel is routed to headphone 54, and the right channel is routed to speaker 21.

In addition, Harmeyer discloses a telephone to stereo amplifier interface in figures 1 and 2. Harmeyer teaches that the left channel and right channel of a stereo out can be separately routed to an earpiece (headphone) and speakers, as shown in figure 1, the right channel of stereo output is connected to the speakers, and the left channel is connected to a handset's earphone (headphone).

Therefore, it would have been obvious to one of ordinary skill in the art at the time the invention was made to modify the Cox reference with the teachings of Nickum and Harmeyer, so that one of the stereo channels would have been connected to a loudspeaker, and the other stereo channel would have been connected to a headset (headphone), and a switching means, such as channel balance control, would have generated a control signal to control the output to either only left or right channel, because such a modification would have enabled the modified Cox system to function as a standard telephone (headset with microphone) or a speakerphone (loudspeaker with microphone) selectable by a user.

1.7 Regarding claims 16 and 17, as discussed in claim 1, a channel balance control is able to select stereo audio out to either only a left channel, or only a right channel, or both.

2. Claims 7-9 and 12-17 are rejected under 35 U.S.C. 103(a) as being unpatentable over Cox et al US 5,790,781 in view of Nickum US 6,104,819 and further in view of Harmeyer US 4,491,694 and further in view of Engberg US 5,283,638.

2.1 Regarding claim 7, the Cox reference, modified by Nickum and Harmeyer, teaches a computer telephony system, and routing only one stereo audio channel to a loudspeaker, or only the other channel to a headset upon receiving a control signal, but fails to teach that the control signal is received after a ringing signal.

However, Engberg discloses a computer phone in figure 1 (column 4, lines 63-68; column 5, lines 1-3, 65-68; column 6, line 1). Engberg teaches a module (DAA 114) for detecting a ringing signal and generated a ringing sound to audio output line 124 (figure 2; column 7, lines 26-32; column 9, lines 15-17; column 16, lines 1-6).

Therefore, it would have been obvious to one of ordinary skill in the art at the time the invention was made to further modify the Cox reference, which was modified by Nickum and Harmeyer, with the teachings of Engberg, so that the control signal would have been generated after a ringing signal was detected, because such a modification would have enabled a user, as discussed in claim 6, to select a standard telephone (headset with microphone) or a speakerphone (loudspeaker with microphone) operating mode.

2.2 Regarding claims 8 and 9, as discussed above, a channel balance control is able to select stereo audio out to either only a left channel, or only a right channel, or both.



2.3 Regarding claim 12, Cox discloses a computer telephony system in figures 1-3. Cox's system comprises a computer 12, a microphone 14, speakers 18 and a headphone 19. The computer 12 further comprises a multi-function I/O subsystem 14 (sound system) in figures 2 and 3. Cox teaches that the multi-function I/O subsystem receives a digital signal from a ISDN connection (column 3, lines 7-12), processes the digital signal to generate a digital stereo audio signal with a left channel and a right channel, converts the right channel and the left channel audio signals into analog audio signal, and routes the stereo audio to speakers 18 and a headphone 19 (Figures 1 and 3; column 3, lines 56-67). Cox teaches connecting the speakers and the headphone to the computer 12, but fails to teach specifically routing only one stereo channel to speakers 18, or only the other stereo channel to a headset (headphone). Inherently, a computer stereo sound system, such as a sound card, has a channel balance control enabling a user, using a mouse, to select its audio out to either only a left or a right channel, or both. Cox teaches connecting the speakers and the headphone to the computer 12, but fails to specifically teach routing only one stereo channel to speakers 18 or only the other stereo channel to a headset (headphone) after a ringing signal is detected.

However, Nickum discloses a speakers/headphone connection in figures 3-5. Nickum teaches that stereo audio outputs from a personal computer are routed to speakers 20 and 21, or headphones 54 and 55. Nickum also teaches separated output ports for its stereo output, one for left channel and one for right channel, and the left

channel is routed, via output jack 104, to either speaker 20, or to headphone 54 if headphone 54 is lifted from speaker 20 (headphone 54 is enabled and speaker 20 is disabled); and the right channel is routed, via output jack 106, to either speaker 21, or headphone 55 (column 4, lines 47-67; column 5, lines 1-4, 25-37, 55-65; column 6, lines 32-58). As shown in figure 5B, the left channel is routed to headphone 54, and the right channel is routed to speaker 21.

In addition, Harmeyer discloses a telephone to stereo amplifier interface in figures 1 and 2. Harmeyer teaches that the left channel and right channel of a stereo out can be separately routed to an earpiece (headphone) and speakers, as shown in figure 1, the right channel of stereo output is connected to the speakers, and the left channel is connected to a handset's earphone (headphone).

Further more, Engberg discloses a computer phone in figure 1 (column 4, lines 63-68; column 5, lines 1-3, 65-68; column 6, line 1). Engberg teaches a module (DAA 114) for detecting a ringing signal and generated a ringing sound to audio output line 124 (figure 2; column 7, lines 26-32; column 9, lines 15-17; column 16, lines 1-6).

Therefore, it would have been obvious to one of ordinary skill in the art at the time the invention was made to modify the Cox reference, which was modified by Nickum, Harmeyer and Engberg, so that one of the stereo channels would have been connected to a loudspeaker, and the other stereo channel would have been connected to a headset (headphone), and ringing sound would have been generated after a ringing signal was detected, and a switching means, such as channel balance control, would have generated a control signal, after the ringing signal was detected, to control the

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output to either only left or right channel, because such a modification would have clarified the teaching of Cox for detecting an incoming call, and would have enabled the modified Cox system to function as a standard telephone (headset with microphone) or a speakerphone (loudspeaker with microphone) selectable by a user.

2.4 Regarding claims 13 and 14, as discussed in claim 12, a user is able to select stereo audio out to either only left or right channel, or both, and inherently, a computer sound system, such as a sound card, has a volume control, control by a mouse, for its output volume.

2.5 Regarding claim 15, as discussed in claim 12, a user is able to select stereo audio out to either only left or right channel, so it is inherent that a user can selected a different channel for telephone conversation than the one received ringing sound.

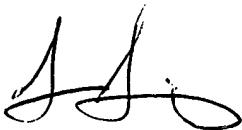
### ***Response to Arguments***

3 Applicant's arguments with respect to claims 1-9 and 12-17 have been considered but are moot in view of the new ground(s) of rejection.

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**Conclusion**

4. Any inquiry concerning this communication or earlier communications from the examiner should be directed to Simon Sing whose telephone number is (703) 305-3221. The examiner can normally be reached on Monday - Friday from 8:30 AM to 5:30 PM. If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Fan Tsang, can be reached on (703) 305-4895. The fax phone number for the organization where this application or proceeding is assigned is (703) 872-9306. Any inquiry of a general nature or relating to the status of this application or proceeding should be directed to the receptionist whose telephone number is (703) 305-4750.



S.S.

07/09/2004

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